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June 22, 2005

Honorable Frederick P. Horn
Presiding Judge
Orange County Superior Court - Dept. C01
700 Civic Center West
Santa Ana, CA 92702

RE: Response to Orange County Grand Jury 2004-2005 Report
Red-light Cameras: Automated Traffic Cops in Orange County

Dear Judge Horn:

In compliance with California Penal Code Section 933, please find below the City of Santa Ana's response to the above-captioned Grand Jury Report. We appreciate the efforts of the Grand Jury and the opportunity to review, and respond to, the report on the City's Red Light Camera Program (RLCP). The responses correspond to the item numbers in the report. Should you or the Grand Jury have any questions or need additional information, please feel free to contact Captain George Saadeh at 714-245-8304.

6. Findings

6.1 Camera revenues: The five cities in Orange County using RLCs are unable to determine through existing accounting systems how much revenue the cameras are producing. Cities should have this information to make informed decisions about RLCs.

Response: The City of Santa Ana agrees with this finding. We are currently working with the Central Justice Center to alleviate this problem. Since all RLC citation numbers end in "PE," Central Court accounting staff is considering the possibility of using a separate account for RLC revenue only. We anticipate this new accounting process will allow the city to accurately determine how much revenue the cameras are producing. While revenue is important, the goal of the RLCP is to prevent injury collisions through education and enforcement. While the RLCP may not produce enough revenue to pay for RLCP operations at this time, it is a critical tool in the prevention of broadside injury collisions.

6.2 Unpaid citations: Approximately 33 percent of all RLC citations issued by the five cities in 2004 were not paid, leading to potentially significant, but unknown, losses in revenue to the cities, the county, and the state.

Response: The City of Santa Ana agrees with this finding. In RLC cases where the defendant has not responded to the court for approximately 60 days, Santa Ana Police Department staff will use a Soundex (DMV photo) photograph in an attempt to identify the violator. In cases where a quality Soundex photograph is available that matches the RLC photograph, the police department will return the Soundex photograph and affidavit to the court to be processed under authority of California Penal Code 1214.1 (Failure to appear or pay fine; civil assessment; warning notice; collection).

If there is no response to the 1214.1 notice, the court may impose a \$250.00 civil assessment, along with a California Department of Motor Vehicles Drivers License hold pursuant to California Vehicle Code Section 40509.5(a) (Notice to Department: Failure to Appear, Pay Fine, or Obey Court Order), and submit to the Franchise Tax Board Court-Ordered Debt (FTBCOD) and Franchise Tax Board Tax Intercept (FTBTI). This process is in compliance with current Central Court policy entitled "Filing and Processing of Photo Red Light Citations", adopted on November 3, 2003, which reads:

"If the issuing agency performs a Soundex comparison or issues the notice to appear by certified mail, restricted delivery, the hold will be issued pursuant to VC 40509.5(a) and/or the case may be assigned to collections pursuant to PC 1214.1. No additional count of CVC 40508(a) (Failure to Appear) will be added."

Although this process can be extremely labor intensive, we expect it to significantly reduce the loss of city, county and state RLC citation revenue.

6.3 Police Officers: Currently, only sworn police officers in each city determine which RLC citations to issue. This may take officers away from more critical assignments.

Response: The City of Santa Ana agrees partially with this finding. While this finding is accurate insofar as the City uses only sworn officers for the described functions, we believe that this is a critical task that requires the expertise of sworn officers. The Santa Ana Police Department's Traffic Division is responsible for the day-to-day operation and supervisory oversight of the RLC system. Two police officers and two non-sworn police employees work full-time on the RLC system. Two additional police motorcycle officers are trained to operate the system, and are used primarily to handle RLC traffic trials. One police sergeant provides supervisory oversight as one of several

duties within the Traffic Division. At this point in time, the city believes sworn police officers should determine which RLC citations ought to be issued, and handle the attendant RLC trials. We believe that the expertise and background of a sworn officer allows for a more consistent, fair and focused process for determining violations. We have discussed this issue with at least one judge, who concurs that sworn officers are probably better able to make these determinations and testify about them in court. Police Department staff has been, and will continue to research and consider, the possibility of expanding the use of non-sworn police department employees for citation reviews. We concur that this option may be used in the future so that sworn officers can be reassigned to other duties requiring sworn officer powers and skills.

7. Recommendations

7.1 Camera revenues and unpaid citations: The five cities in Orange County using RLCs should seek, independently or jointly, to resolve accounting/reporting issues so that they can accurately determine the net operating effects of their RLCs and recover any lost revenues.

Response: This recommendation will be implemented. We are currently working with the Central Justice Center to alleviate this problem. Since all RLC citation numbers end in "PE", Central Court Accounting staff is considering the possibility of using a separate account for RLC revenue only. This new accounting procedure will allow the city to accurately determine how much revenue the cameras are producing, and more accurately determine the net operating effects of our RLC program.

Timeline: We expect to be able to implement this process in the next 12 months assuming the other stakeholders, including the Central Justice Center, are able to do so.


7.2 Police Officers: The five cities in Orange County using RLCs should explore the possibility of training and using non-sworn law enforcement personnel for the task of determining which RLC citations to issue to reduce costs and return sworn officers to more critical assignments.

Response: This recommendation requires further analysis, but may be partially implemented. The Santa Ana Police Department's Traffic Division is responsible for the day-to-day operation and supervisory oversight of the RLC system. Two police officers and two non-sworn police employees work full-time on the RLC system. Two additional police motorcycle officers are trained to operate the system, and are used primarily to handle RLC traffic trials. One police sergeant provides supervisory oversight as one of several duties within the Traffic Division. At this point in time, the city believes sworn police officers

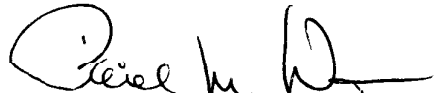
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Timeline: Within the next 12 months we will complete an evaluation of this recommendation to determine the feasibility of using non-sworn personnel.

Sincerely,



Miguel Pulido, Mayor



Paul M. Walters, Chief of Police

Copies: City Manager
Captain George Saadeh
Lieutenant David Jones
File